

B 104 (Rev. 8/87)		<b>ADVERSARY PROCEEDING COVER SHEET</b> (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)						
<b>PLAINTIFFS</b>  JULIE ANN BECKER		<b>DEFENDANTS</b>  UNITED STATES DEPARTMENT OF EDUCATION, CALIFORNIA SCHOOL OF PROFESSIONAL PSYCHOLOGY, AND MERRIMACK COLLEGE  <div style="text-align: right;">           Case # : 00-90330-AD0 - <b>A7</b>            Name : BECKER V. US DEPT. OF EDUCATION            Chapter: AD0             Filed : May 26, 2000 14:54:58            Deputy : S. DAHL            Amount : \$0.00         </div>								
ATTORNEYS (Firm Name, Address, and Telephone No.) 234-9181 Luke R. Corbett LINDLEY, SCALES & CORBETT, APC 550 West C St., Ste 1800 San Diego, CA 92101		ATTORNEYS (If Known) Amount : \$0.00								
PARTY (Check one box only) <input type="checkbox"/> 1 U.S. PLAINTIFF <input checked="" type="checkbox"/> 2 U.S. DEFENDANT <input type="checkbox"/> 3 U.S. NOT A PARTY										
<b>CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)</b> To determine dischargeability of debts under 11 U.S.C. §523(a)(8)  <div style="text-align: center; font-weight: bold;">           ASSIGNED TO            JUDGE LOUISE DECAREL ADLER         </div>										
<b>NATURE OF SUIT</b> (Check the one most appropriate box only.)										
<table style="width:100%; border: none;"> <tr> <td style="width:33%; vertical-align: top;"> <input type="checkbox"/> 454 To Recover Money or Property  <input type="checkbox"/> 435 To Determine Validity, Priority, or            Extent of a Lien or Other Interest in            Property  <input type="checkbox"/> 458 To obtain approval for the sale of            both the interest of the estate and            of a co-owner in property  <input type="checkbox"/> 424 To object or to revoke a discharge            11 U.S.C. §727         </td> <td style="width:33%; vertical-align: top;"> <input type="checkbox"/> 455 To revoke an order of confirmation            of a Chap. 11 or Chap. 13 Plan  <input checked="" type="checkbox"/> 426 To determine the dischargeability            of a debt 11 U.S.C. §523  <input type="checkbox"/> 434 To obtain an injunction or other            equitable relief  <input type="checkbox"/> 457 To subordinate any allowed claim            or interest except where such            subordination is provided in a plan         </td> <td style="width:33%; vertical-align: top;"> <input type="checkbox"/> 456 To obtain a declaratory judgment            relating to any of foregoing causes            of action  <input type="checkbox"/> 459 To determine a claim or cause of            action removed to a bankruptcy            court  <input type="checkbox"/> 498 Other (specify)         </td> </tr> </table>					<input type="checkbox"/> 454 To Recover Money or Property <input type="checkbox"/> 435 To Determine Validity, Priority, or Extent of a Lien or Other Interest in Property <input type="checkbox"/> 458 To obtain approval for the sale of both the interest of the estate and of a co-owner in property <input type="checkbox"/> 424 To object or to revoke a discharge 11 U.S.C. §727	<input type="checkbox"/> 455 To revoke an order of confirmation of a Chap. 11 or Chap. 13 Plan <input checked="" type="checkbox"/> 426 To determine the dischargeability of a debt 11 U.S.C. §523 <input type="checkbox"/> 434 To obtain an injunction or other equitable relief <input type="checkbox"/> 457 To subordinate any allowed claim or interest except where such subordination is provided in a plan	<input type="checkbox"/> 456 To obtain a declaratory judgment relating to any of foregoing causes of action <input type="checkbox"/> 459 To determine a claim or cause of action removed to a bankruptcy court <input type="checkbox"/> 498 Other (specify)			
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<b>DEMAND</b>	NEAREST THOUSAND \$	OTHER RELIEF SOUGHT Discharge of indebtedness		<input type="checkbox"/> JURY DEMAND						
<b>BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES</b>										
NAME OF DEBTOR Julie Ann Becker		BANKRUPTCY CASE NO. 00-02030-LA7								
DISTRICT IN WHICH CASE IS PENDING Southern District of Calif		DIVISIONAL OFFICE		NAME OF JUDGE Adler						
<b>RELATED ADVERSARY PROCEEDING (IF ANY)</b>										
PLAINTIFF		DEFENDANT		ADVERSARY PROCEEDING NO.						
DISTRICT		DIVISIONAL OFFICE		NAME OF JUDGE						
FILING FEE (Check one box only.) <input type="checkbox"/> FEE ATTACHED <input checked="" type="checkbox"/> FEE NOT REQUIRED <input type="checkbox"/> FEE IS DEFERRED										
DATE May 25, 2000		PRINT NAME Luke R. Corbett		SIGNATURE OF ATTORNEY (OR PLAINTIFF)						

B-104  
(Rev. 8/87)

### ADVERSARY PROCEEDING COVER SHEET (Reverse Side)

This cover sheet must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney) and submitted to the Clerk of the court upon the filing of a complaint initiating an adversary proceeding.

The cover sheet and the information contained on it *do not* replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. This form is required for the use of the clerk of the court to initiate the docket sheet and to prepare necessary indices and statistical records. A separate cover sheet must be submitted to the clerk of the court for each complaint filed. The form is largely self explanatory.

**Parties.** The names of the parties to the adversary proceeding *exactly* as they appear on the complaint. Give the names and addresses of the attorneys if known. Following the heading "Party," check the appropriate box indicating whether the United States is a party named in the complaint.

**Cause of Action.** Give a brief description of the cause of action including all federal statutes involved. For example, "Complaint seeking damages for failure to disclose information, Consumer Credit Protection Act, 15 U.S.C. §1601 et seq.," or "Complaint by trustee to avoid a transfer of property by the debtor, 11 U.S.C. §544."

**Nature of Suit.** Place an "X" in the appropriate box. Only one box should be checked. If the cause fits more than one category of suit, select the most definitive.

**Origin of Proceedings.** Check the appropriate box to indicate the origin of the case:

1. Original Proceeding.
2. Removed from a State or District Court.
4. Reinstated or Reopened.
5. Transferred from Another Bankruptcy Court.

**Demand.** On the next line, state the dollar amount demanded in the complaint in thousands of dollars. For \$1,000 enter "1," for \$10,000 enter "10," for \$100,000 enter "100," if \$1,000,000, enter "1000." If \$10,000,000 or more, enter "9999." If the amount is less than \$1,000, enter "0001." If no monetary demand is made, enter "XXXX." If the plaintiff is seeking non-monetary relief, state the relief sought, such as injunction or foreclosure of a mortgage.

**Bankruptcy Case in Which This Adversary Proceeding Arises.** Enter the name of the debtor and the docket number of the bankruptcy case from which the proceeding now being filed arose. Beneath, enter the district and divisional office where the case was filed, and the name of the presiding judge.

**Related Adversary Proceedings.** State the names of the parties and the six digit adversary proceeding number from any adversary proceeding concerning the same two parties or the same property currently pending in any bankruptcy court. On the next line, enter the district where the related case is pending, and the name of the presiding judge.

**Filing Fee.** Check one box. The fee must be paid upon filing unless the plaintiff meets one of the following exceptions. The fee is not required if the plaintiff is the United States government or the debtor. If the plaintiff is the trustee or a debtor in possession, and there are no liquid funds in the estate, the filing fee may be deferred until there are funds in the estate. (In the event no funds are ever recovered for the estate, there will be no fee). There is no fee for adding a party after the adversary proceeding has been commenced.

**Signature.** This cover sheet must be signed by the attorney of record in the box on the right of the last line of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is *pro se*, that is, not represented by an attorney, the plaintiff must sign.

The name of the signatory must be printed in the box to the left of the signature. The date of the signing must be indicated in the box on the far left of the last line.

LUKE R. CORBETT, ESQ. (Bar No. 030071)  
 LINDLEY, SCALES & CORBETT  
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 San Diego, CA 92101  
 Tel: (619) 234-9181  
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Case # : 00-90330-AD0 **A7**  
 Name : BECKER V. US DEPT. OF EDUCATION  
 Chapter: AD0

Filed : May 26, 2000 14:54:58  
 Deputy : S DAHL  
 Receipt: 136354  
 Amount : \$0.00

Attorneys for debtor, Julie Ann Becker

**ASSIGNED TO  
 JUDGE LOUISE DECARL ADLER**

**UNITED STATES BANKRUPTCY COURT**

**SOUTHERN DISTRICT OF CALIFORNIA**

In re:

JULIE ANN BECKER,

Debtor.

ADDRESS: 11917 ORCHARD ROAD, #20  
 LAKESIDE, CA 92040

SOCIAL SECURITY #018-48-0430

JULIE ANN BECKER,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF  
 EDUCATION, CALIFORNIA SCHOOL OF  
 PROFESSIONAL PSYCHOLOGY, AND  
 MERRIMACK COLLEGE,

Defendants.

Case No. 00-02030-LA7  
 Chapter 7

Adversary  
 Proceeding No. 1

COMPLAINT TO DETERMINE  
 DISCHARGEABILITY OF STUDENT  
 LOANS

Julie Ann Becker, debtor herein, by her attorney, Luke R.  
 Corbett, alleges:

**COUNT ONE**

1. This is a core proceeding over which this court has  
 jurisdiction under 28 U.S.C. § 157(b).

2. Plaintiff is the debtor in this chapter 7 case. The United States Department of Education is a creditor of plaintiff.

3. Plaintiff is informed and believes that she is indebted to the United States Department of Education in the amount of at least \$53,461.68 for educational loans made by defendant United States Department of Education to plaintiff.

4. The debt from plaintiff to the United States Department of Education is dischargeable under 11 U.S.C. § 523(a)(8) because excepting the debt from discharge would subject the debtor and her dependent to undue hardship.

**COUNT TWO**

5. This is a core proceeding over which this court has jurisdiction under 28 U.S.C. § 157(b).

6. Plaintiff is the debtor in this chapter 7 case. Defendant California School of Professional Psychology is a creditor of plaintiff.

7. Plaintiff is informed and believes that she is indebted to California School of Professional Psychology in the amount of at least \$28,179.87 for educational loans made by defendant California School of Professional Psychology to plaintiff.

8. The debt from plaintiff to defendant California School of Professional Psychology is dischargeable under 11 U.S.C. § 523(a)(8) because excepting the debt from discharge would subject the debtor and her dependent to undue hardship.

**COUNT THREE**

9. This is a core proceeding over which this court has jurisdiction under 28 U.S.C. § 157(b).

1           10. Plaintiff is the debtor in this chapter 7 case.  
2 Defendant Merrimack College is a creditor of plaintiff.

3           11. Plaintiff is informed and believes that she is indebted  
4 to Merrimack College in the amount of at least \$5,000.00 for  
5 educational loans made by defendant Merrimack College to  
6 plaintiff.

7           12. The debt from plaintiff to defendant Merrimack College  
8 is dischargeable under 11 U.S.C. § 523(a)(8) because excepting  
9 the debt from discharge would subject the debtor and her  
10 dependent to undue hardship.

11                           **COUNT FOUR**

12           13. This is a core proceeding over which this court has  
13 jurisdiction under 28 U.S.C. § 157(b).

14           14. Plaintiff is the debtor in this chapter 7 case.  
15 Defendant California School of Professional Psychology is a  
16 creditor of plaintiff.

17           15. Plaintiff is informed and believes that she is indebted  
18 to California School of Professional Psychology in the amount of  
19 at least \$20,467.56 for educational loans made by defendant  
20 California School of Professional Psychology to plaintiff.

21           16. The debt from plaintiff to defendant California School  
22 of Professional Psychology is dischargeable under 11 U.S.C. §  
23 523(a)(8) because excepting the debt from discharge would subject  
24 the debtor and her dependent to undue hardship.

25           WHEREFORE, plaintiff prays that the court determine that the  
26 debts of the United States Department of Education, California  
27 School of Professional Psychology, and Merrimack College are  
28 discharged; that the court enter judgment to that effect; and

1 that plaintiff have such other and further relief as the court  
2 deems proper.

3 Dated: May 25, 2000



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Luke R. Corbett  
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Phone: 619-234-9181

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